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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,025	01/19/2001	William R. Voigt	1515.3001.001	7873
7590	05/19/2004		EXAMINER	
Reising, Ethington, Barnes, Kisselle, Learman & McCulloch, P.C. 5291 Colony Drive North Saginaw, MI 48603			WALSH, BRIAN D	
			ART UNIT	PAPER NUMBER
			3722	

DATE MAILED: 05/19/2004

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**MAILED**

**MAY 19 2004**

**GROUP 3700**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 20040504

Application Number: 09/766,025  
Filing Date: January 19, 2001  
Appellant(s): VOIGT ET AL.

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Robert L. Farris  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 07 April 2004.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

Appellant's brief includes a statement that claims 2 – 5, 8 – 10, 11, 12 and 14 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

**(8) *Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

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**(9) Prior Art of Record**

6,247,389	Samuels et al.	06-2001
5,163,490	Meis	11-1992

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 3 – 5, 7, 8 and 11 – 14 are rejected under 35 U.S.C. 102(e). This rejection is set forth in prior Office Action, Paper No. 14 July 2003.

Claim 2 is rejected under 35 U.S.C. 103(a). This rejection is set forth in prior Office Action, Paper No. 14 July 2003.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a). This rejection is set forth in prior Office Action, Paper No. 14 July 2003.

**(11) Response to Argument**

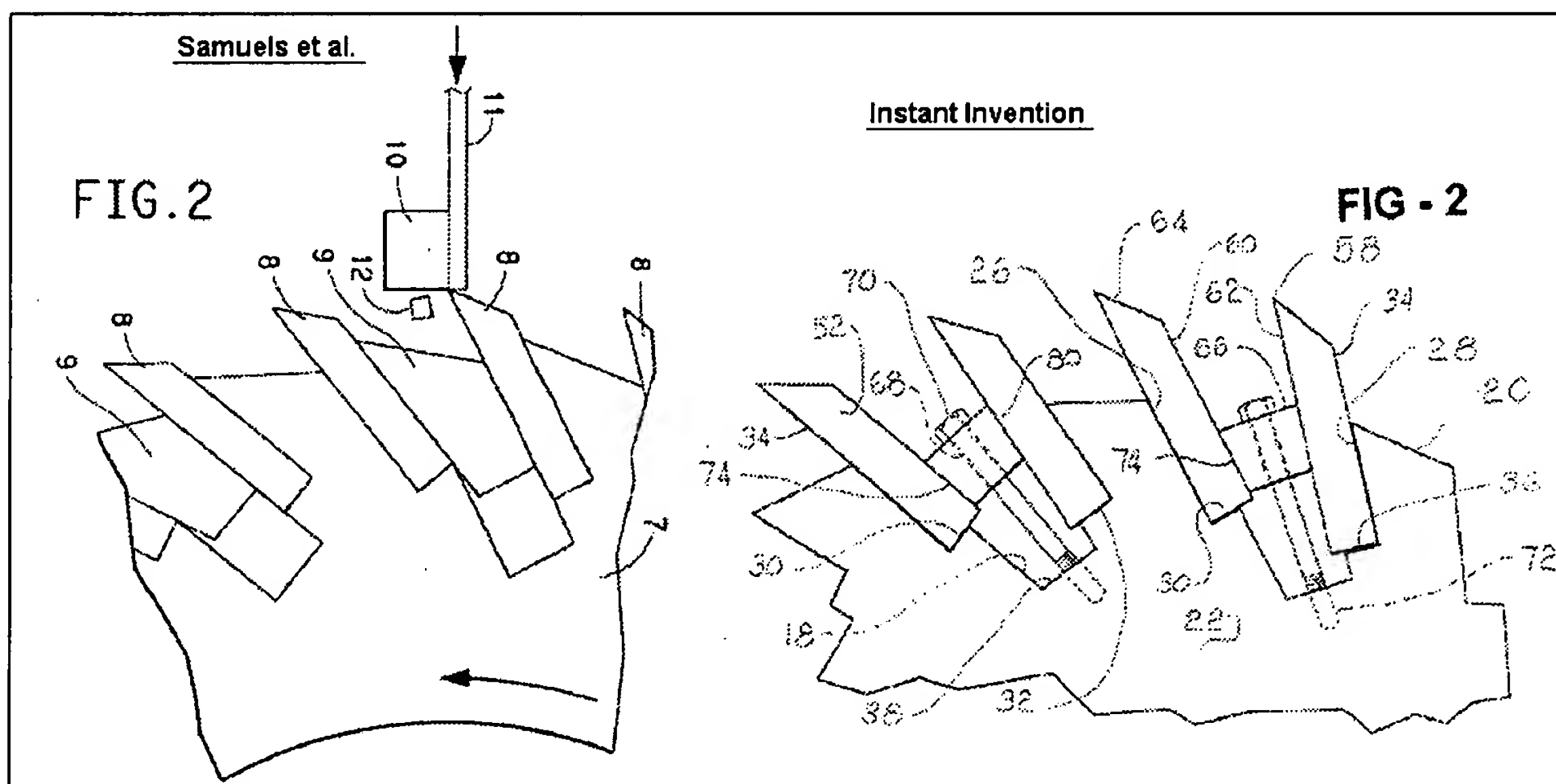
NOTE: Appellant has not provided page numbers on the Appeal Brief, however, the Examiner has added page numbers in the top, right-hand corner of each page to assist in determining exactly which portion of the Brief the Examiner is referring to throughout the Answer. Page numbering begins with (1) on the page heading “**(I). REAL PARTY INTEREST**” and ends with page (7) which includes Appellant’s signature.

Appellant’s first argument is that Samuels et al. shows a rotor with a plurality of grooves and no helix angle (page 4, paragraph 2). The Examiner has replied to this argument by Appellant previously and cites that Samuels et al. *explicitly* (Emphasis by Examiner throughout) discloses the grooves and blades can be arranged at various helix angles (col. 4, lines 23 – 32). Although Appellant maintains that Samuels et al. teaches a shearing operation, Samuels et al.

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repeatedly refers to the apparatus as a cutting instrument (note title of Samuels et al. "Polymer Cutting Apparatus and Method"). Appellant also argues that Samuels et al. discloses only one base support surface that cooperates with each groove wall. Claim 1 requires a plurality of first base support surfaces that are each in a base plane that is perpendicular

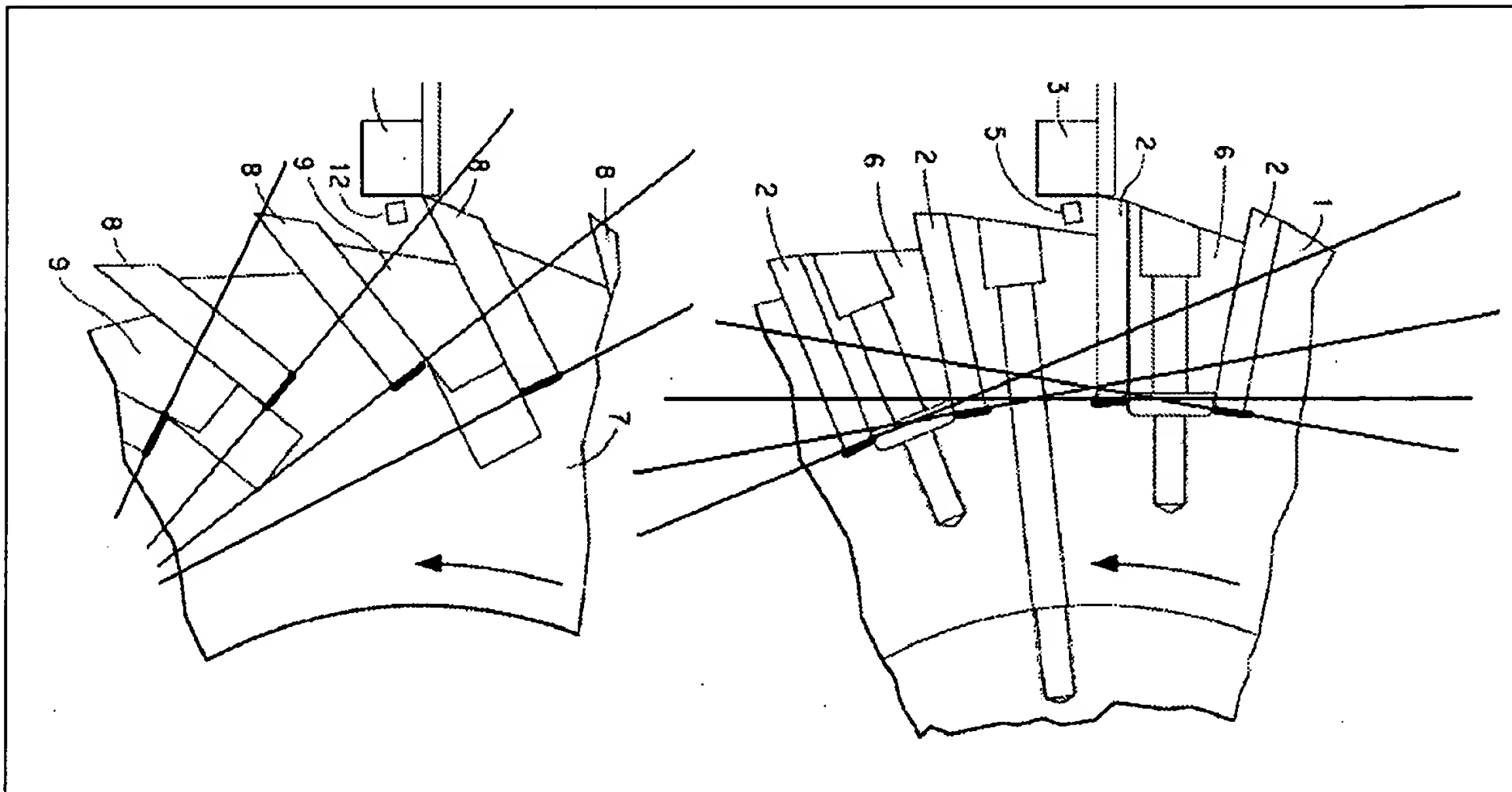
Across the length of 17 (perpendicular to the cross section shown in FIG. 3), 20 may be parallel to 13, or may be helically disposed to 13, with essentially the entire length of 20 being at a constant distance from 13. A preferred helical angle is about 0° to about 3° from 13. When 17 is quite long, and for instance may be cutting many strands of polymer, the overall strain on any knife is lessened if that knife contacts the polymer strands in sequence, as it would do if the blade was helically disposed about 13.



to the first wall plane and wherein all the support planes intersect each other. The Examiner has included a side-by-side comparison (above) of Samuels et al. and the instant invention for comparison. The argument by Appellant that the base support surfaces of Samuels et al are 180 degrees apart and parallel to each other is unclear. Examiner has shown that both embodiments of Samuels et al. show first base support surfaces (not numbered in Samuels, highlighted by the Examiner with a thick black line and extended to show intersecting qualities – equivalent to element 30 in the instant invention) are in planes that intersect one another (please refer to

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modified figures 1 and 2 of Samuels et al below). As for approaching issues with helically arranging blades in a rotary cutter, such configurations are notoriously well known in the art and require no explanation by Samuels et al. to prove that such a configuration was possible at the time of the invention.



Appellant states claims 2 – 14 are patentable in view the discussion regarding claims 1 and 7, respectively, but cites no specific argument. The Examiner maintains that Samuels et al. discloses the claimed invention (Samuels et al. in view of Meis in the case of claim 2) as disclosed by Appellant.

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For the above reasons, it is believed that the rejections should be sustained.

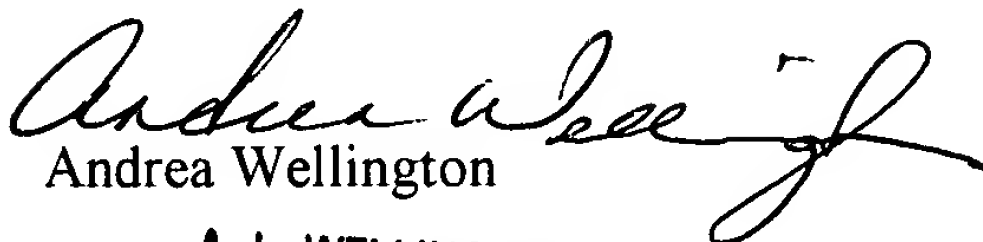
Respectfully submitted,



BDW

May 8, 2004

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